

EX. 72

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DARCY M. BLACK,

Plaintiff,

v.

**BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as BLACK
ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,**

Defendants.

**AMENDED RESPONSE TO
PLAINTIFF'S FIRST SET OF
AMENDED
INTERROGATORIES**

15-cv-00049

Defendants, Buffalo Meat Services, Inc., doing business as Boulevard Black Angus, also known as Black Angus Meats, also known as Black Angus Meats & Seafood ("Company"), Robert Seibert, Diane Seibert and Keegan Roberts, (collectively "Defendants"), by and through their attorneys, BARCLAY DAMON LLP, make the following amendments to their Responses to Plaintiff's First Set of Amended Interrogatories:

INTERROGATORY 15: Describe with particularity the fringe benefits (e.g. vacation, health insurance) offered to employees of Defendants from May 1, 2004 through the present, including the benefits offered, the eligibility criteria for such benefits, and the cost to Defendants of such benefits.

ANSWER: Objection. Overly broad, unduly burdensome, and requests information that is not likely to lead to the discovery of relevant evidence to the extent that this Interrogatory is not properly temporally limited to the period of Plaintiff's employment at the Company, and

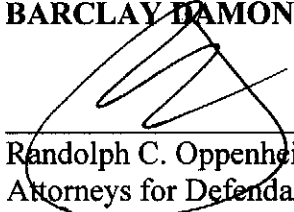
requests a written description of each and every fringe benefit offered to each employee of the Company, the eligibility criteria for such benefits, and the cost to Defendants of such benefits.

Notwithstanding these objections and without waiving or limiting the same, during the period 2005 through 2010, the Company offered full-time employees who worked for the Company for at least (1) one year one (1) week of paid vacation annually.

During the period 2005 through 2010, all Company employees were eligible to participate in health insurance, the cost of which was fully paid by employees who elected to participate in such benefit; except that: (i) at times during such time period, the Company contributed to the costs of health insurance benefits for Diane Seibert, Robert Seibert, Keegan Roberts, Debbie Negrych, and Nicole Seibert; and (ii) in 2009, Sean Round elected supplemental accident insurance, a portion of which was paid by Mr. Round and a portion of which was paid by the Company. Employees who were enrolled in health insurance received supplemental accident insurance.

Defendants reserve the right to supplement and amend all responses upon conclusion of discovery.

BARCLAY DAMON, LLP



Randolph C. Oppenheimer, Esq.
Attorneys for Defendants
The Avant Building – Suite 1200
200 Delaware Avenue
Buffalo, New York 14202-2150
716-856-5500 – Telephone
716-856-5510 – Facsimile
roppenheimer@barclaydamon.com

CERTIFICATE OF SERVICE

I certify and affirm that on February 12, 2018, I mailed a true copy of the foregoing Defendants' Response to Plaintiff's First Set of Interrogatories to plaintiff's counsel via postage-paid first class mail, addressed to the address designated by her for the receipt of service by mail, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed as follows:

Josephine A. Greco
Greco Trapp PLLC
1700 Rand Building
14 Lafayette Square
Buffalo, New York 14203
Email: jgreco@grecolawyers.com
Attorneys for Plaintiff



Randolph C. Oppenheimer, Esq.

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VERIFICATION

STATE OF NEW YORK

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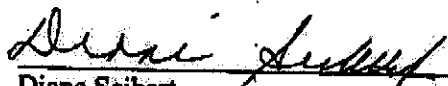
) SS.:

COUNTY OF ERIE

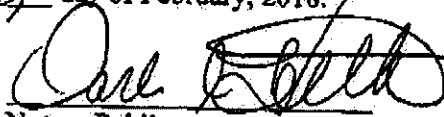
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Diane Seibert, being duly sworn, deposes and says that: deponent is a Defendant in the above entitled matter; deponent has read the foregoing Amended Response to Plaintiff's First Set of Amended Interrogatories and knows the contents thereof; the same are true on the basis of deponent's own personal knowledge, except as to those matters therein stated to be alleged upon information and belief and that, as to those matters, deponent believes them to be true; and the grounds for deponent's belief as to such matters are an examination of business records.

Signed this 12 day of February, 2018.


Diane Seibert

Sworn to before me this
12 day of February, 2018.


Notary Public

DARLENE A. HORVATH
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
LIC. #01HO506798
COMM. EXP. 02/20/20

**UNITED STATES DISTRICT COURT
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KEEGAN ROBERTS,**

Defendants.

VERIFICATION

**STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)**

Keegan Roberts, being duly sworn, deposes and says that: deponent is a Defendant in the above entitled matter; deponent has read the foregoing Amended Response to Plaintiff's First Set of Amended Interrogatories and knows the contents thereof; the same are true on the basis of deponent's own personal knowledge, except as to those matters therein stated to be alleged upon information and belief and that, as to those matters, deponent believes them to be true; and the grounds for deponent's belief as to such matters are an examination of business records.

Signed this 12 day of February, 2018.


Keegan Roberts

Sworn to before me this
12 day of February, 2018.


Notary Public

**GENE A. HORVATH
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
LIC. #01H08067798
COMM. EXP. 12/21/2018**

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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15-cv-00049

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VERIFICATION

STATE OF NEW YORK

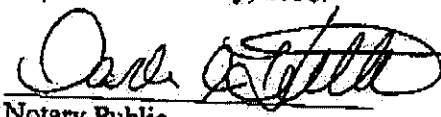
COUNTY OF ERIE

)
) **SS.:**
)

Robert Seibert, being duly sworn, deposes and says that: deponent is a Defendant in the above entitled matter; deponent has read the foregoing Amended Response to Plaintiff's First Set of Amended Interrogatories and knows the contents thereof; the same are true on the basis of deponent's own personal knowledge, except as to those matters therein stated to be alleged upon information and belief and that, as to those matters, deponent believes them to be true; and the grounds for deponent's belief as to such matters are an examination of business records.

Signed this 12 day of February, 2018.

Sworn to before me this
12 day of February, 2018.


Notary Public

